

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of the MICHIGAN GLASS AND
GLAZING INDUSTRY DEFINED
CONTRIBUTION PENSION PLAN, Trustees
of the MICHIGAN GLASS & GLAZING
INDUSTRY WELFARE INSURANCE FUND,
and Trustees of the INTERNATIONAL
PAINTERS AND ALLIED TRADES INDUSTRY
PENSION FUND,

Plaintiffs,

Case Number 14-13753
Honorable David M. Lawson

v.

METRO GLASS AND MIRROR LLC,

Defendant.

**ORDER GRANTING PLAINTIFF'S *EX PARTE* MOTION FOR EXAMINATION OF
JUDGMENT DEBTOR AND RESTRAINING TRANSFER OF CERTAIN PROPERTY
OUTSIDE THE ORDINARY COURSE OF BUSINESS SUPPLEMENTARY TO
JUDGMENT**

Presently before the Court is the plaintiffs' *ex parte* motion for examination of judgment debtor and restraining transfer of certain property outside the ordinary course of business supplementary to judgment. The Court has reviewed the plaintiffs' motion and finds that it ought to be granted.

Accordingly, it is **ORDERED** that the plaintiffs' *ex parte* motion for examination of judgment debtor and restraining transfer of certain property outside the ordinary course of business supplementary to judgment is **GRANTED**.

It is further **ORDERED** that Kean Tonak, as an officer and member of Metro Glass and Mirror LLC must appear **on January 12, 2016 at 10:30 a.m.**, at the law offices of Erman, Teicher, Zucker & Freedman, P.C., whose address is 400 Galleria Officentre, Suite 444, Southfield, Michigan

48034, to be examined under oath concerning the income, property, or other means of satisfying the Judgment entered against Metro Glass and Mirror LLC on May 29, 2015.

It is further **ORDERED** that Kean Tonak must make available to counsel for the plaintiff on the date of the examination the following books, records, and papers in his possession, custody or control as they relate to Metro Glass and Mirror, LLC:

1. All checkbooks, check registers, check stubs, canceled checks, bank statements, and other documents whatsoever relating to any deposit, savings, passbook, or like account maintained with a bank, savings and loan association, credit union, or like organization, in which Metro Glass and Mirror LLC has, or has had, any interest, at any time during the three years immediately preceding the date hereof, or date of cessation of business, whichever is earlier;

2. Copies of all returns, schedules and forms filed by, or on behalf of, Metro Glass and Mirror LLC with the Internal Revenue Service, State of Michigan, and any municipal governments, relating to any income received, property owned, business activities, sale, or intangibles tax, of Metro Glass and Mirror LLC at any and all times during the three years immediately preceding the date hereof or date of cessation of business, whichever is earlier;

3. All books of account and accounts receivable ledgers;

4. List of assets and liabilities;

5. All contracts of purchase, sale, bills of sale, certificates of title and deeds, and all other evidences of title or instruments of whatsoever kind or nature, relating to the purchase, sale or ownership of any property, real or personal, or any interest therein, purchased, sold or owned by or on behalf of Metro Glass and Mirror LLC at any time during the five years immediately preceding the date hereof or date of cessation of business, whichever is earlier; and

6. Copies of all profit and loss statements and balance sheets relating to the affairs of Metro Glass and Mirror LLC prepared by, or on behalf of, Metro Glass and Mirror LLC during the three years immediately preceding the date hereof or date of cessation of business, whichever is earlier.

It is further **ORDERED** that Metro Glass and Mirror LLC, and any of its officers, members, employees and agents, and any third party who is served with a true and entered copy of this Order are restrained from transferring or disposing of any property of Metro Glass and Mirror LLC, whether now owned, or hereafter acquired by, or becoming due to Metro Glass and Mirror LLC, which is otherwise outside of the ordinary and routine course of Metro Glass and Mirror LLC's business affairs until further order of this Court. This order does not apply to property exempt by law from application to the satisfaction of the judgment.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 10, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 10, 2015.

s/Susan Pinkowski
SUSAN PINKOWSKI